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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

GOLDIE MAE JACK : DOCKET NO. 2:08-cv-1061

VS. : JUDGE MINALDI

NICK LABAS : MAGISTRATE JUDGE KAY

REPORT AND RECOMMENDATION


According to LR 41.3W, "[a] civil action may be dismissed . . . for lack of prosecution . . . [w]here no service of process has been made within 120 days after filing of the complaint." Plaintiff has failed to effectuate service on defendant in this case since the filing of her suit on July 21, 2008. It is THEREFORE RECOMMENDED that plaintiff's claims be DISMISSED WITHOUT PREJUDICE.

Pursuant to LR41.3W, plaintiff is allowed ten calendar days from the mailing of this notice to file evidence of good cause for failure to act. Additionally, under the provisions of 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), parties aggrieved by this recommendation have ten (10) business days from service of this report and recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within ten (10) days after being served with a copy of any objections or response to the District judge at the time of filing.

Failure to file written objections to the proposed factual findings and/or the proposed legal conclusions reflected in this Report and Recommendation within ten (10) days following the date of its service, or within the time frame authorized by Fed. R. Civ. P. 6(b), shall bar an aggrieved party from attacking either the factual findings or the legal conclusions accepted by

the District Court, except upon grounds of plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996).

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 14th day of May, 2009 .



KATHLEEN KAY
UNITED STATES MAGISTRATE JUDGE